

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BROADCAST MUSIC, INC.; MOEBETOBLAME
MUSIC; RONDOR MUSIC INTERNATIONAL
INC. d/b/a IRVING MUSIC; EMI BLACKWOOD
MUSIC, INC.; SONG A TRON MUSIC; LUAR
COLLECTIVE INC. d/b/a LUAR COLLECTIVE
PUBLISHING; and TANGERINE MUSIC CORP.,

Plaintiffs,

v.

THE LIVING ROOM STEAK HOUSE, INC. d/b/a
LIVING ROOM STEAK HOUSE; RUDI
PEJCINOVIC and ANNA RECKOVIC, each
individually,

Defendants.

Civil Action No. _____

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical

compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Federal Rules of Civil Procedure 17(a) and 19(a).

5. Plaintiff Moebetoblame Music is a partnership owned by Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Song A Tron Music is a partnership owned by Allen George and Fred McFarlane. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Luar Collective Inc. is a corporation doing business as Luar Collective Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Tangerine Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Defendant The Living Room Steak House Inc. is a corporation organized and existing under the laws of the state of New York, which operates, maintains and controls an establishment known as Living Room Steak House, located at 2402 86th Street, Brooklyn, New York 11214, (the “Establishment”), located in this district.

12. In connection with the operation of the Establishment, Defendant The Living Room Steak House Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

13. Defendant The Living Room Steak House Inc. has a direct financial interest in the Establishment.

14. Defendant Rudi Pejcinovic is an officer of Defendant The Living Room Steak House Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

15. Defendant Rudi Pejcinovic has the right and ability to supervise the activities of Defendant The Living Room Steak House Inc. and a direct financial interest in that corporation and the Establishment.

16. Defendant Anna Reckovic is an officer of Defendant The Living Room Steak House Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

17. Defendant Anna Reckovic has the right and ability to supervise the activities of Defendant The Living Room Steak House Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

18. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 17.

19. Plaintiffs allege five (5) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire.

All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

20. Annexed to this Complaint as a schedule (the “Schedule”) and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the five (5) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the establishment where the infringement occurred.

21. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

22. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

23. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff

BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

24. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

25. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorneys' fee, pursuant to

17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: October 27, 2014
New York, New York

Respectfully submitted,

GIBBONS P.C.

By: /s/ J. Brugh Lower
Mark S. Sidoti
J. Brugh Lower
One Pennsylvania Plaza, 37th Floor
New York, New York 10119
Tel: 212-613-2000
Fax: 212-290-2018
msidoti@gibbonslaw.com
jlower@gibbonslaw.com

Attorneys for Plaintiffs

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Californication
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary p/k/a Flea; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/29/99
Line 6	Registration No(s).	PAu 2-357-353
Line 7	Date(s) of Infringement	5/18/14
Line 8	Place of Infringement	Living Room Steak House

Line 1	Claim No.	2
Line 2	Musical Composition	Respect
Line 3	Writer(s)	Otis Redding
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	1/4/93
Line 6	Registration No(s).	RE 608-238
Line 7	Date(s) of Infringement	8/9/14
Line 8	Place of Infringement	Living Room Steak House

Line 1	Claim No.	3
Line 2	Musical Composition	Show Me Love
Line 3	Writer(s)	Allen George; Fred Mc Farlane
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Allen George and Fred Mc Farlane, a partnership d/b/a Song A Tron Music
Line 5	Date(s) of Registration	3/24/95
Line 6	Registration No(s).	PA 752-568
Line 7	Date(s) of Infringement	5/18/14
Line 8	Place of Infringement	Living Room Steak House

Line 1	Claim No.	4
Line 2	Musical Composition	Dale Don Dale
Line 3	Writer(s)	William Oma Landron as employee for hire of Luar Music Corp.
Line 4	Publisher Plaintiff(s)	Luar Collective Inc. d/b/a Luar Collective Publishing
Line 5	Date(s) of Registration	6/24/04
Line 6	Registration No(s).	PA 1-220-728
Line 7	Date(s) of Infringement	8/9/14
Line 8	Place of Infringement	Living Room Steak House

Line 1	Claim No.	5
Line 2	Musical Composition	Hit The Road Jack
Line 3	Writer(s)	Percy Mayfield
Line 4	Publisher Plaintiff(s)	Tangerine Music Corp.
Line 5	Date(s) of Registration	1/9/89 10/6/61
Line 6	Registration No(s).	RE 418-412 Ep 157079
Line 7	Date(s) of Infringement	8/9/14
Line 8	Place of Infringement	Living Room Steak House
